



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

May 19, 2020

**BY ECF & EMAIL**

Hon. Lorna G. Schofield  
United States District Judge  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: *United States v. Gregory Cohen*, 19 Cr. 397 (LGS)**

Dear Judge Schofield:

The Government respectfully submits this letter to withdraw one argument made in its May 11, 2020 letter. In the Government's May 11, 2020 letter it argued that a court "does not have the power to refashion a sentence into one of home incarceration." (Dkt. 37, at 8 n. 4.) While it is correct that a court cannot refashion a sentence to allow a defendant to be placed temporarily on home confinement and then return to incarceration when conditions change, a court could, if granting a § 3582(c) motion, impose a term of supervised release to replace all or part of the remaining term of imprisonment, and concurrently impose home confinement or any other reasonable condition as part of that new term of supervised release.

Respectfully submitted,

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